

February 15, 2022

Dr. Earthea B. Nance, PhD, PE
Regional Administrator
U.S. Environmental Protection Agency, Region 6
1201 Elm Street, Suite 500
Dallas, Texas 75270

Dear Dr. Nance,

First, please accept my sincere congratulations on your appointment as Region 6 Administrator of the Environmental Protection Agency (EPA). Your expertise in environmental disaster response and mitigation, floodplain management, social equity and sustainability is impressive and we welcome your leadership of our region as it faces many existing and new challenges related to rapid growth and ever-increasing competition for limited natural resources. As director of the Texas Chapter of The Nature Conservancy (TNC), I look forward to working with you on environmental issues in our state.

TNC is a global organization with a mission of protecting land, waters, oceans, and wildlife. In support of our mission, we are often called upon to share our concerns regarding threats to natural resources in Texas.

I'm writing to express our concern over development projects proposed by the Port of Corpus Christi Authority (Port Authority), and potential impacts on coastal resources and communities. In addition, we are concerned that the way these projects are analyzed and reviewed may set a precedent for other similarly proposed projects in and around Corpus Christi Bay. The Port Authority's planned loading terminal, dredging, and desalination plant in the Harbor Island area, if built, could significantly impair the economy and ecology of the Texas Gulf Coast. Of the several proposed desalination projects in the central coast, we believe the Harbor Island project is furthest along in permitting and may set a harmful precedent if approved.

Texas' central and lower coast is protected by a series of barrier islands which separate our productive bays and estuaries from the Gulf of Mexico. Fish and shellfish, including many important commercial and recreational species, spawn in bay habitats which serve as nurseries and some migrate out into the Gulf through a few natural passes or inlets. Many species return back to these same estuaries to complete their lifecycle. Among the most important of these is Aransas Pass, which runs just north of Port Aransas. Aransas Pass provides the primary point of communication between the Gulf of Mexico and bay systems on the central Texas coast, including Corpus Christi, Aransas, Redfish, and Copano Bays as well as the upper Laguna Madre. As such, it is arguably the most important location on the central Texas coast for migration of marine animals ranging from sport fish to sea turtles. This also contributes to the area's high value for birds and mammals, including endangered whooping cranes. Harbor Island is located adjacent to Aransas Pass and adjoins the channels which connect it to Corpus Christi and Aransas Bays. Aransas Bay is part of the Mission-Aransas National Estuarine Research Reserve, the state's only

such designated area. Redfish Bay is part of the Redfish Bay State Scientific area, an area established for the purpose of education, scientific research and preservation of flora and fauna of scientific and educational value.

The Port Authority has requested permits to deepen Aransas Pass and construct a \$1 billion loading terminal facility on 200 acres of Harbor Island allowing oil tankers (very large crude carriers or VLCCs) to enter Aransas Pass and transport millions of gallons of crude oil per day through the pass for export to overseas markets. The dredging, construction of facilities, and subsequent shipping traffic associated with the project would transform this pivotal environmental area. Some of the project's many potential negative effects include degradation to water quality and subsurface habitats; disruptions of animal migrations and activities due to shipping, noise, and lighting; and potential oil spills or other contamination incidents from ships or pipelines (Buskey 2018).

Of particular concern is the Port Authority's proposal to construct a saltwater desalination plant at Harbor Island to provide water for planned industrial facilities. As currently conceived, the plant would discharge nearly 100 million gallons per day of highly saline effluent into the ship channel which connects Aransas Pass and Corpus Christi Bay and serves as a migration route for marine life. This could significantly alter the salinity in the channel and threaten faunal resources over a large part of the central and lower Texas coast.

A study recently published by the Coastal Bend Bays & Estuaries Program (Publication 153 – Montagna et al. 2021) concluded that the region is already experiencing higher salinities due to relatively high average annual temperatures and evaporation rates and the low flushing rates characteristic of Corpus Christi Bay. The marine community is related to salinity levels and as salinity increases, species diversity will decline and abundance of some ecologically and economically significant species will decrease. Any adverse impacts to the ecological health of the bay system will impact recreation and commercial fishing in the area as well as the public perception of the health of the bay, all of which could reduce the benefit to the community from the tourism and fishing industries.

The Port Authority is seeking a wastewater discharge permit for the desalination plant. Last year, the State Office of Administrative Hearings (SOAH) recommended that the Texas Commission on Environmental Quality (TCEQ) deny the permit application on the grounds that the Port Authority had failed to demonstrate that discharge of brine from the desalination plant would not adversely affect marine environments, wildlife, and recreational and commercial fishing. The Port Authority revised its permit which is now under SOAH review.

TNC supports the efforts of local business and community leaders and advocacy groups who oppose these projects and we strongly suggest that the EPA request that the Port Authority explore other alternatives that are better for the long-term economic and ecological health of the region. So far, a total of five desalination plants have been proposed in the Corpus Christi area; therefore, the success or failure of the Port Authority's pending permit application could set an important precedent.

We commend the EPA for concluding in its December 15 letter to the TCEQ that the agency had incorrectly classified the proposed desalination plant as a “Minor” facility on the erroneous basis that its effluent was non-process wastewater. With the designation of the facility as “Major” it is our belief that more thorough review and analysis of alternatives will be required to protect this sensitive coastal and marine habitat. We question whether the State has responded appropriately to the EPA’s direction for a re-classification of the facility and if the current permit process should continue. TNC asks that the EPA object to the permit application for the plant and support our assessment that the Port Authority has not sufficiently considered the impact of the siting of the plant, assessed the potential degradation of the saline effluent on coastal resources; or analyzed the feasibility of other alternatives.

Again, I look forward to working with you and I appreciate your consideration of our concerns. Please feel free to contact me at 210-508-2162 or suzanne.scott@tnc.org if you would like to discuss our comments.

Cordially,

A handwritten signature in cursive script that reads "Suzanne B. Scott".

Suzanne Scott
Texas State Director
The Nature Conservancy

References:

Buskey, E.J. 2018. Recruitment of estuarine dependent species of commercial and recreational importance through the Aransas Ship Channel. Report, University of Texas at Austin, 7 pp.

Montagna, P.A., D.M. Coffey, R.H. Jose, and G. Stunz. 2021. Vulnerability Assessment of Coastal Bend Bays. Final Report 2120 for the Coastal Bend Bays & Estuaries Program, Texas A&M University at Corpus Christi, 56 pp.

Suzanne Scott

Texas State Director
The Nature Conservancy

suzanne.scott@tnc.org

Cell: (210) 508-2162

Office: (210) 224-8774

Main: (210) 301-5771

nature.org

200 E Grayson St.

Suite 202

San Antonio, TX 78215



RECEIVED

22 MAR -7 PM 1:39

US EPA, REGION VI
EXTERNAL AFFAIRS ORAX